

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, December 5, 2012
Time	Noon – 1:30 p.m.
Location	Utah State Capitol Complex, Senate Bldg., Copper Room
Members Present	Judge Kevin Allen, Patrick Corum for Patrick Anderson, Paul Boyden, Susan Burke, Deween Durrant, Judge Janice Frost, Jesse Gallegos, Rep. Richard Greenwood, Judge Thomas Low, Benjamin McMurray, Mark Moffat, Judge Ric Oddone, Judge Gregory Orme, Tom Patterson, Rep. Jennifer Seelig, Kirk Torgensen, Carlene Walker
Members Excused	David Brickey, Marlene Gonzalez, Ron Gordon, Sy Snarr
Staff & Visitors	Staff: Mary Lou Emerson, Reg Garff, Jo Lynn Kruse, Cuong Nguyen, Dr. Ben Peterson, Ned Searle, Jacey Skinner, Senator Dan Thatcher, Clair Webster Visitors: Audrey Hickert, Kris Knowlton, Rick Schwermer
Agenda Item	Welcome and Approval of Minutes
Notes	Carlene Walker called the meeting to order and welcomed everyone. Mark Moffat made the motion to approve the November minutes. Tom Patterson seconded the motion which passed unanimously .
Agenda Item	Recognition of Departing Member Senator Ben McAdams (tape 01:30)
Notes	Carlene thanked Senator Ben McAdams in absentia for his service to the Utah Sentencing Commission. Senator McAdams is leaving the Commission to begin his term as Salt Lake County mayor, and has been a member of the Commission since 2009.
Agenda Item	Dating Violence Protective Orders (tape 30:12)
Notes	<p>Ned Searle, the director of The Office on Domestic and Sexual Violence, introduced legislation that would create Dating Violence Protective Orders. The bill is sponsored by Rep. Jennifer Seelig. He explained the reasoning behind why his council is supporting this bill and feels it is needed. According to the Office of Domestic and Sexual Violence, 15 people died as result of dating violence between 2004 and 2011. Despite the violence that exists in all types of relationships, current law only provides for those who are or have been in a cohabitation relationship, have a child with or own property with the alleged abuser or stalker to obtain a protective order.</p> <p>Rep. Seelig discussed the bill, which would only apply to persons 18 years of age or older and emancipated persons, which will allow someone in a present or former dating relationship to get a protective order against a dating partner who poses a physical threat.</p> <p>Questions were asked regarding why the age is limited to those over the age of 18, it was suggested that this age limit be lowered to 16 years of age.</p> <p>Questions were asked about the proposed penalty. There was a suggestion that the proposed Class B misdemeanor penalty was too low given the existing Class A misdemeanor penalty for the existing Cohabitant Protective Order. Additionally, some discussion was had regarding potential abuses of protective orders that some perceive with the cohabitant protective orders that are available now.</p> <p>Rep. Seelig appreciated the feedback from The Commission. She will review the feedback and try to incorporate it into her bill. She requested that the Commission revisit the issue in January.</p>
Agenda Item	Drug Crimes Expungement Process Amendments (tape 02:12)
Notes	<p>Mary Lou Emerson, director of The Utah Substance Abuse Advisory Council, discussed a bill for the 2013 general legislative session, titled <i>Expungement Process Amendments</i>. The bill provides a process by which drug-related offenses may be expunged and also includes the following:</p> <ul style="list-style-type: none"> • Creates a process to expunge drug-related offenses beyond the number of offenses that are currently allowed in statutes. • Requires the petitioner to be free of illegal substance abuse and successfully managing any substance addiction • Clarifies the difference between a pardon and expungement; and • Makes technical corrections.

	Paul Boyden made the motion to support the bill. Judge Frost seconded the motion, which passed unanimously .
Agenda Item	Disproportionate Minority Contact Report (tape 1:09)
Notes	<p>Cuong Nguyen, CCJJ, gave a presentation on Utah's Disproportionate Minority Contact Committee and their mission to eliminate the disproportionate representation of minority youth at all points of contact in the criminal justice system.</p> <p>Audrey Hickert presented a final report on the <i>DMC Arrest Assessment</i>. The assessment involved local jurisdictions and worked to identify potential explanations for why disproportionate minority contact (DMC) occurs among juveniles at the points of arrest and referral. The report also provided follow-up data analyses and explored possible solutions to address the disparity.</p> <p>Key findings were shown for UPD School Analysis, SLPD Gang Analysis, WJPD School Analysis, WVCPCD School Analysis, LPD School Analysis, ODPS Offense Severity Analysis and OPD Central City Analysis.</p> <p>Recommendations and next steps for the working groups are: to further explore school data, policies/practices; examine prevention/intervention options for most common juvenile/minority issues; and, to evaluate/monitor efforts (phase IV and V of the DMC Reduction Model). The full report can be found at http://www.juvenile.utah.gov/ubjj_dmc.html.</p>
Next Meeting	The next meeting will be on January 2, 2013, Utah State Capitol Bldg, <i>Senate Caucus Room</i>
Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ	